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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,975	09/30/2003	Daryl Hlasny	P 1059.13004	7681
30615	7590	10/19/2006	EXAMINER	
BIRDWELL & JANKE, LLP 1100 SW SIXTH AVENUE SUITE 1400 PORTLAND, OR 97204			TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/676,975		HLASNY, DARYL	
	<b>Examiner</b>		<b>Art Unit</b>	
	BINH K. TIEU		2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/10/04, 3/12/04</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Bekanich (Pub. No.: 2004/0209595 A1).

Regarding claim 1, Bekanich teaches a telephone providing automatic tracking of calling plan charges, comprising:

at least one time bin; and

a call time controller adapted for:

- (a) receiving a set of calling plan rules defining a billing period and at least one calling period,
- (b) receiving time information and call occurrence information,
- (c) identifying at least one calling period associated with each call, and
- (d) determining the call duration for a call according to said set of calling plan rules (see paragraphs [0086], [0087] and [0088]).

Regarding claim 2, note figures 11 or 12.

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Regarding claim 3, note numbers of peak time, off peak time, weekend hours, etc. in paragraph [0086].

Regarding claim 4, note figure 8 which displays “Minutes Remaining” in the display 734, see paragraph [0103].

Regarding claims 5-6, note paragraphs [0090] and [0091].

Regarding claim 7, note paragraph [0086].

Regarding claim 8, note rollover minutes in paragraph [0086].

Regarding claim 9, note paragraph [0093].

Regarding claim 10, note paragraph [0100].

Regarding claim 11, note paragraph [0086].

Regarding claims 12-40, the limitations of claims are rejected with the same reasons set forth in the rejections of claims 1-11 above.

Regarding claim 41, Beganich teaches a telephone providing automatic tracking of calling plan charges, comprising a call time controller adapted for receiving and storing a set of calling plan rules and configuration data (note figures 8 and 9, read paragraph [0089]-[0088]).

Regarding claim 42, note paragraph [0099].

Regarding claims 43-44, note paragraphs [0094] and [0096].

Regarding claim 45, note paragraph [0099].

Regarding claim 46, note keypad 118 in paragraph [0083].

Regarding claims 47-48, note paragraphs [0101] and [0102].

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Although the following references are not applied into this Office Action, these are also called to Applicants attention. They may be used in future Office Action(s). All of these references are also concerned with a telephone apparatus having functions of tracking airtime usage.

Staskal et al. (Pub. No.: US 2003/0045266 A1);

Bhogal et al. (Pub. No.: US 2002/0193092 A1); and

Tysor (Pub. No.: US 2002/0151293 A1)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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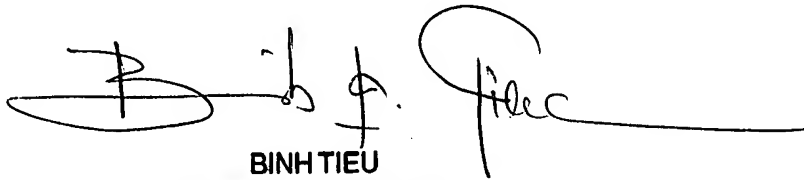
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A handwritten signature in black ink, appearing to read 'Binh Tieu', is written over the printed name.

**BINH TIEU**  
**PRIMARY EXAMINER**

Technology Division 2614

Date: September 2006